

[English]

MR. SPEAKER: On the 24th February, 1997, Shri Jaswant Singh, Member of Parliament, had given a notice of Motion under Rule 184 of the Rules of Procedure and Conduct of Business in Lok Sabha for constituting a Committee of both House to go into all aspects of the documents received from the Swiss authorities and to consider the Government's response thereto.

The question of admissibility of the Motion tabled by Shri Jaswant Singh and the scope of constituting another Parliamentary Committee was discussed yesterday, the 25th February, 1997, in the Zero Hour. I have heard the valuable views expressed by hon. Members as well as the Government's view expressed by Shri Ramakant D. Khalap, Minister of State in the Ministry of Law and Justice, referring to the undertaking given by Government of India to Swiss authorities. The Minister stated as under.

"There are many more investigations which are going on and there are solemn undertakings between the two sovereign countries. If today we violate the undertaking given to the Swiss authorities, with what face could we go again to them and ask for further documents?"

Informing about the conditionalities attached, the Minister stated as under:

"The document transmitted and the information contained therein may be used for investigatory purposes or as evidence only in the interest of the prosecution regarding an ordinary criminal offence. Any other use of this document and the information contained therein is subject to the explicit and previous authorisation of the Federal Office for Police Matter.

The Minister added:

"Therefore, anticipating that such a question would be raised here, we requested the Swiss authorities whether they would allow us to disclose these papers. We have received last night a fax message from them saying that they cannot agree to this proposal of placing these documents on the Table of the House."

The Law Minister, on being asked, as to whether the CBI had disclosed the names, stated as under;

"There was a lot of kite flying going on. The newspapers were publishing so many things....

Therefore the CB through it proper to inform the country that these were the entire set of names which they have received."

When asked to specify those names, the Minister added:

"They are before everybody."

There is no doubt that it is as much incumbent on the Parliament as on the Government to honour international commitments and abide by the conditionalities mentioned by the Minister. It is, however, not clear why

the CBI took an inconsistent stand and thought it proper to disclose the names, which the Parliament, as it turns now, is not entitled to know. This is therefore a serious matter to be taken note of by the Government and appropriate action taken by them under intimation to the House.

It may be recalled that a Joint Parliament Committee to enquire into the Bofors contract was constituted in 1987. The Committee held 50 sittings taking 140.25 hours in its deliberations. I mentioned it yesterday. The Report of the Committee was presented on the 26 April, 1988. The Report of the Joint Parliamentary Committee was discussed in the House on the 4th and the 5th May, 1988. Apart from this, the Bofors issue was discussed in one form or the other during the Eighth Lok Sabha and Ninth Lok Sabha for about 60 hours.

After going into all aspects of the matter, I am of the opinion that no useful purpose will be served by appointing another Parliamentary Committee. I am therefore, not admitting the notice.

(ii) Issue of Admissibility of Notice of Motion Under Rule 184 Regarding Failure of Constitutional Machinery in Uttar Pradesh

MR. SPEAKER: I have received notices of Motion under Rule 184 from Shri Atal Bihari Vajpayee, Shri Jaswant Singh and Shrimati Sushma Swaraj, M.Ps., for recall of the Governor of Uttar Pradesh for the failure of the Constitutional machinery in Uttar Pradesh. I have also received notices of Motion under Rule 184 from Sarvashri Atal Bihari Vajpayee, Murli Manohar Joshi, Jaswant Singh Rajendra Agnihotri and Shrimati Sushma Swaraj, M.Ps., for recall of Governor of Uttar Pradesh for his failure to control the deteriorating law and order situation in Uttar Pradesh.

The thrust of the first set of notices for recall of the Governor is that the Governor has failed in taking appropriate steps to form a Government in Uttar Pradesh after completion of the election process which has resulted in the failure of the Constitutional machinery in that State.

Hon. Members will recall that this issue was also sought to be raised in the House during the previous Session by way of notices of Adjournment Motion given by several Members. I had on 27 November, 1996 withheld my consent to the notices on the ground that the matter was pending before the Allahabad High Court.

The matter is at present pending before the Supreme Court. There is no material change in the situation inasmuch as the highest Court of the land is now seized of the matter. The issue involves interpretation of a number of complicated legal points on which the Court has yet to give its final verdict.

In view of this, I am disinclined to admit the notices of Motion under Rule 184 on the ground of failure of Constitutional machinery in the State.

Reverting to the second set of notices, they rest

broadly on the logic that the deteriorating law and order situation in Uttar Pradesh merits the recall of the Governor.

The Ministry of Home Affairs to whom copies of notices were forwarded for furnishing a factual note, have forwarded a note on the law and order situation in Uttar Pradesh. The note, while giving break-up of various categories of crimes in the State of the past five years, states that the law and order situation in the State cannot be said to have worsened after the imposition of the President's Rule. It is, however, admitted that "it is true that there have been some sensational cases of kidnapping and murder in recent past."

The matter was also raised in the House on 24 February, 1997. Almost all the Members who participated in the discussion were of the view that there was total break-down of the law and order situation in the State. The Home Minister is on record having admitted that Uttar Pradesh was "heading for anarchy, chaos and destruction." If that be the perception of the Home Minister of the country regarding the state of affairs in Uttar Pradesh, I feel that the Members are justified in demanding a discussion.

The question is whether the discussion should necessarily be under Rule 184. In this context, hon. Members may recall that the Minister of Home Affairs while replying to supplementaries to Starred Question No. 43 on 25 February, 1997, had stated that "wherever any State is brought under the President's rule, an Advisory Committee consisting of representatives of different political parties is constituted for acting during the period of the President's rule. Unfortunately, in the case of U.P. such a Committee has not yet been constituted as there is some technical and legal hitch. We are trying to overcome that as soon as possible so that an Advisory Committee is set up."

Considering the entire facts and circumstances of the case, including the above assurance given by the hon. Home Minister and his genuine and candid concern for the State, and also further taking into account opportunities that may be available to the Members at the time of passing of U.P. Budget, I find that a detailed discussion under Rule 193 should be adequate. I am, therefore, inclined to admit a Short Duration Discussion under Rule 193 and allow it accordingly.

Let me also hasten to direct that the Government should immediately establish an Advisory Committee of the Parliamentarians of U.P. truly representative of the various political parties so that the U.P. Governor is fully informed of the ground realities as perceived by the people's representatives.

BUDGET (RAILWAYS)-1997-98

12.14 hrs.

[English]

MR. SPEAKER: Item No. 15 - Railway Budget.

SHRI RAM NAIK (MUMBAI NORTH): Sir, on Railway Budget, I am on a Point of Order. I have given a notice also...(Interruptions)

[Translation]

SHRI RAJESH RANJAN ALIAS PAPPU YADAV (PURNIA): Mr. Speaker, Sir, I want to say something...(Interruptions)...

[English]

MR. SPEAKER: Shri Yadav, there is no Zero Hour. Today is the Railway Budget.

(Interruptions)

MR. SPEAKER: Shri Jena, can you make your Member understand that today there is no Zero hour. I do not expect it from the ruling Party.

SHRI RAM NAIK: Sir, the Railway Budget was to be presented on 24th February. Now it is being presented today. Like the trains, the Railway Budget is also being delayed by two days and the Minister has said that there has been a delay in printing.

My main objection is—we have passed the Business Advisory Committee's Report—we have decided in the Business Advisory Committee Meeting that we will discuss the Supplementary Demands for Grants for 1996-97. In the List of Business, which is given today, the Railway Budget presentation and Demands for Excess Grants for 1994-95 are there. But the List of Business does not indicate the Supplementary Demands for Grants for 1996-97.

Sir, you are aware that if we have to give any Cut Motions against the Railway Budget or the Supplementary Demands for Grants, we require two days notice for giving the cut motions. Now if these three things are to be discussed together and if the Supplementary Demands are not being presented, then we will not have sufficient time of two days because already it has been decided that discussion on Railway Budget would start on the 3rd March. Now there are two days left in this week and if the Supplementary Demands are not presented today, how can we send the Cut Motions against the Supplementary Demands. From that point of view, these Supplementary Demands must be presented today. Since they are not being presented, I have raised a point of order and I hope that you will appreciate the view and then take a decision. But this should not be allowed to be done.

MR. SPEAKER: I think, the hon. Member had a point because in the List of Business, it is said that all things would be discussed on 3rd, 4th and 5th of March. According to the intimation that I have received, Supplementary Railway Budget will be introduced only on the 4th of March. Therefore, that technical difficulty will come. I think, we can sort it out in the next Business Advisory Committee Meeting.